



Wichita Police Department Policy Manual

Approved by: _____

**Policy 521 - Pawnbrokers, Secondhand/Precious Metal Dealers,
Scrap Processors**

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Maintained by:
Property Crimes Bureau

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521.01 City of Wichita Charter Ordinance 192 regulates all pawnbrokers, secondhand dealers and precious metal dealers, and Chapter 3.90 of the Code of the City of Wichita deals with scrap processors, all of which are located within the corporate limits of the City.

521.02 When any of the subsequent sections of this Policy apply uniformly to pawnbrokers, secondhand dealers, scrap processors, and precious-metal dealers, they will be collectively referred to as licensees.

WPD PROPERTY-RECOVERY UNIT:

521.03 The Service Officer of the Property-Crimes Bureau's Property-Recovery Unit (who is also known as the Property-Recovery Specialist) shall be responsible for:

- A. Monitor all provisions of Charter Ordinance 192 and Chapter 3.90 of the City Code and report any violations to the appropriate section supervisor, to be assigned to a detective for follow-up investigation. [except for those, enforcement of which the ordinances assign to agencies other than the WPD];
- B. Collecting and maintaining information on property purchased or received by licensees [e.g., time and place of transaction, personal information on pawnor/seller, etc.];
- C. Assisting citizens and Departmental personnel in locating and recovering stolen property which has, or may have, ended up in such an establishment;
- D. Ensuring that the serial numbers of all items reposited in such businesses are checked through NCIC, and reporting those that come back "stolen" to the appropriate section supervisor;
- E. Ensuring that information on wanted persons who pawn or sell property to licensees is forwarded to the appropriate section supervisor, or to other agencies.

"HOLDS" ON STOLEN PROPERTY:

521.04 Any WPD commissioned officer may initiate a "hold" on property which:

- A. Is located on a licensee's premises, and
- B. The officer has probable cause to believe it is stolen property.

521.05 Holds [and releases of holds] shall be processed in the following manner:

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- A. Holds which are initiated at times when the Service Officer is on duty [normally, between 0800 and 1700, Monday through Friday] shall be accomplished by contacting him/her and having him/her notify a representative of the business at which the property is located. If a hold is placed on an item/s by an officer, he/she shall immediately notify the Service Officer of such action in writing or by telephone at 268-4622.
- B. At any time when the Service Officer is not working:
 - 1. The officer seeking the hold or release shall execute its placement by notifying, in person or by telephone, an on-duty employee of the business involved;
 - 2. The officer who has placed or released a hold shall, in writing or by telephone, notify the Property Recovery Unit of such action [including the name of the employee who was contacted, incident number, business name and transaction information] no later than 0900 of the next business day.

521.06 Holds placed upon items which are in the possession of any licensee normally expire at the end of sixty (60) days, and the recovered property automatically reverts to the owner of the business which is in possession of it. However, a hold may be continued for an additional sixty (60) days, if a compelling reason exists. Scrap metal dealers are an exception, which require a hold of thirty (30) days.

DEPARTMENTAL RECOVERY OF STOLEN PROPERTY:

521.07 Stolen property which comes into the possession of a licensee may be recovered by its owner if any sort of private agreement with the licensee is agreed upon. While an investigating officer cannot prohibit such an agreement, he/she shall not encourage this type of settlement in any WPD case. If, however, an agreement is reached between the owner and the licensee, and the investigating officer has reason to believe prosecution of the case could be affected, photographs of the recovered property must be taken to be used as evidence in that prosecution.

521.08 Stolen property which has come into the possession of a licensee may be recovered by using a "Consent to Release and Consent to Search" form if the licensee agrees to its use. The licensee may also agree to sign a "disclaimer" for the property, in which case property can be returned to its lawful owner without additional proceedings. If consent is not

given, the investigating officer must obtain a search warrant. If a disclaimer is not signed, the property must be retained by the Wichita Police Department until an ownership hearing determines to whom the property is to be released.

DETERMINATION OF OWNERSHIP:

- 521.09 Property cannot be released to a victim until a disclaimer is signed by the licensee, OR an ownership hearing is held. Once a case is concluded [through criminal-court action] which involves property that has been recovered from a licensee, AND the time-frame during which an appeal may be filed has expired, a request for an ownership hearing must be filed by the officer who investigated the case through the District Attorney's Office.

OUTSIDE AGENCIES:

- 521.10 The Property-Recovery Specialist shall:
- A. Assist all law enforcement officers from outside agencies in dealing with property stolen from their jurisdictions which has surfaced at a Wichita licensee's shop;
 - B. Request assistance, if necessary, from the supervisor of the appropriate section of the Investigations Division, who shall assign a detective to assist him/her.